

1647

Patent Docket P1219P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

FEB 28 2003

TECH CENTER 1600/2900

In re Application of
Timothy A. Stewart et al.
Serial No.: 09/522,342
Filed: March 9, 2000
For: Fibroblast Growth Factor-19 (FGF-19) Nucleic Acids and Polypeptides and Methods of Use for the Treatment of Obesity

Group Art Unit: 1647

Examiner: Saoud, Christine J.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on

February 20, 2003

Aida Guiam

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. § 1.181(a) AND M.P.E.P. § 711.03

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

A Notice of Abandonment was mailed on October 31, 2002, by the U.S. Patent and Trademark Office in connection with the above-referenced application. The Notice of Abandonment indicates that this application became abandoned due to Applicants' failure to timely file a proper reply to the Office Action mailed on March 11, 2002. The Notice of Abandonment further indicates that no response was received by the U.S. Patent and Trademark Office.

The U.S. Patent and Trademark Office is respectfully requested to withdraw the holding of abandonment of the application for the reason that the referenced Office Action dated March 11, 2002 was not received by the Applicants. The Applicants further attest to the fact that a search of the file jacket and docket records indicate that such Office Action was not received. Moreover, as evidence of the non-receipt of the Office Action, Applicants attach hereto (1) a copy of the docket record where the non-received Office Action would have been entered had such Office Action been

received and docketed and (2) a copy of the mail log for all mail received between March 11, 2002 and April 11, 2002. Please note that our internal docket number for the above-referenced case is P1219P1. As the attachments demonstrate, the Office Action was neither docketed in the docket record nor received in the mail.

In view of the foregoing, it is submitted that Applicants have demonstrated non-receipt of the Office Action mailed on March 11, 2002, by the U.S. Patent and Trademark Office. Thus, the U.S. Patent and Trademark Office is respectfully requested to withdraw the holding of abandonment and resubmit such Office Action to the Applicants, and thereby reset the time period for response to such Office Action based on the resubmission date of the Office Action to the Applicants.

No fee is believed to be due for the submission of this document. In the unlikely event that fees are due in connection with the filing of this document, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,
GENENTECH, INC.

Date: February 20, 2003

By: Atulya R. Agarwal
Atulya R. Agarwal, Ph.D.
Reg. No. 40,887
Telephone No. (650) 225-4463



09157

PATENT TRADEMARK OFFICE

 Alecto - Patents

Module Masters Laws Case Actions Diary Reports Letters Admin Edit Window Help

Diary Dates

File No	P1219P1	Application	09/522342	09Mar2000	Atty
Country		Patent			Atty
Case Type		Client			
Status		Owner			

CPA Reportable Short Title Case Ref

✓ X ↵

Outstanding

Highlight row and
press

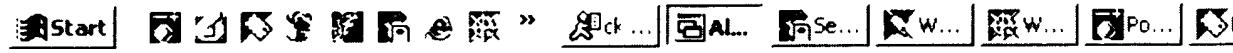
Ctrl-K to Complete
Ctrl-I to Inhibit
Del to Delete

Compl Date
to move item
back to
Outstanding
section

Diary Details

N	Type	Matter	Due Date	Compl Date
	FOM	Petition re Notice of Abandonment	30Nov2002	
→	FOM	IDS Due IP1219R1 JP Office Act 30 Day Deadline	21Feb2003	
	FOM	Status Inquiry re Next OA	23Mar2003	

N	Type	Matter	Due Date	Compl Date
→	RR1	Restriction Requirement - FINAL TERM	28May2002	28Dec2001
→	FOM	Submit Notice to REVIVE	01Jul2001	29Jun2001
→	FOM	Status Inquiry First Office Action	18Apr2001	04Oct2001
→	MSP	Notice to File Missing Parts - FINAL TERM	18Dec2000	18Aug2000
→	FOM	Has Filing Receipt Been Received?	09Jul2000	23May2000
→	FOM	Has Notice to File Missing Parts Been Received?	09Jun2000	18May2000
→	FOM	IDS Due	09Jun2000	12Jun2000



U.S. Office Action Log - 2002

<u>Date Rec.</u>	<u>Docket No.</u>	<u>Type of Office Action</u>	<u>Date Mailed</u>
01-02-02	P1050D1	Advisory Action	12/20/01
01-03-02	P1110P1	Notice of Abandonment	12-12-01
01-03-02	P1099C1	Restriction Requirement	12-26-01
01-04-02	P1245R1P2	Notice of Abandonment	12-11-01
01-04-02	P1064R1	Response to Communication	12-26-01
01-04-02	P1245R1P2	Notice of Abandonment	12-11-01
01-04-02	P0760C1P1C4	Notice of Allowance	11-27-01
01-08-02	P1042	Notice of Allowance	01-02-02
01-08-02	P0359C1C7	Examiner Communication	01-02-02
01-08-02	P1266R1	Certificate of Correction	
01-08-02	P0978-1C1	Notice of Restriction	12-31-01
01-08-02	P1363R1	Final Rejection	01-02-02
01-08-02	P1007P1	Notice of Allowance	01-02-02
01-08-02	P1760R1-1	Final Rejection	01-02-02
01-09-02	P1446R1D1	Office Action	12-31-01
01-09-02	P1446R1D2	Office Action	12-31-01
01-09-02	P1028R1C2	Office Action	01-02-02
01-09-01	P1190R1	Notice of Restriction	01-02-02
01-09-02	P0944-1C1	Notice of Abandonment	01-02-02
01-09-02	P0989P4C1	Notice to Comply	01-02-02

02-20-02	P1053R1D1	Office Action	02-15-02
02-20-02	P1618P1E	Notice of Abandonment	02-13-02
02-25-02	P0850D2	Office Action	02-19-02
02-25-02	P1096R1	Response To Communication	02-14-02
02-25-02	P1712R1	Office Action	02-15-02
02-26-02	P1762R1	Restriction Requirement	02-20-02
02-28-02	P1783R1	Examiner Interview Summary	02-14-02
03-01-02	P1804R1	Missing Parts	02-21-02
03-01-02	P1663R2	Final Rejection	02-25-02
03-04-02	P1085R4-1A	Notice Re: Power of Attorney	02-21-02
03-04-02	P1085R5	Missing Parts	02-22-02
03-04-02	P1071P2	Notice of Allowance	02-25-02
03-04-02	P0994R1D1	Notice of Restriction	02-26-02
03-04-02	P1129C1	Office Action	02-26-02
03-05-02	P1861R1	Office Action	02-27-02
03-05-02	P2751R1C1	Missing Parts	02-27-02
03-06-02	P1261C1	Notice of Abandonment	02-27-02
03-06-02	P0998D4	Response to Request Corr. Filing Receipt	02-28-02
03-07-02	P1746R1	Missing Parts & Notice to Comply	02-27-02
03-11-02	P1748R1	Notice of Restriction	03-04-02
03-11-02	P1071P1D6	Notice of Restriction	03-06-02
03-11-02	P1071P1D12	Notice of Restriction	03-06-02
03-12-02	P0353C5	Notice of Allowance	03-05-02

03-12-02	P3133R1C1	Missing Parts	03-06-02
03-12-02	P1219P3	Notice of Incomplete Reply	03-05-02
03-12-02	P0530P1C9	Notice of Abandonment	03-05-02
03-12-02	P1625R2E	Notice of Abandonment	03-05-02
03-12-02	P1071P1D2	Notice of Restriction	03-04-02
03-12-02	P1875	Missing Parts	03-01-02
03-12-02	P1798R1	Notice to Comply	03-08-02
03-12-02	P1071P1D7	Notice of Restriction	03-07-02
03-12-02	P0994R1D4	Examiner Communication	03-08-02
03-12-02	P0891C4	Final Rejection	03-08-02
03-14-02	P1272R1P1	Notice of Allowance	03-01-02
03-14-02	P1071P1D3	Notice of Restriction	03-07-02
03-14-02	P0255-275P1C6	Notice of Abandonment	03-07-02
03-18-02	P0920C7	Final Rejection	03-11-02
03-18-02	P0330P2C2	Final Rejection	03-08-02
03-18-02	P1712R1D3	Office Action	03-08-02
03-18-02	P1071P1D10	Notice of Restriction	03-08-02
03-18-02	P1071P1D13	Notice of Restriction	03-11-02
03-19-02	P1834	Office Action	03-12-02
03-19-02	P0854C1P2C1	Certificate of Correction	
03-19-02	P1071P1D4	Notice of Restriction	03-13-02
03-19-02	P1071P1D8	Notice of Restriction	03-13-02
03-19-02	P1747R2	Notice of Acceptance of Application	03-05-02

03-19-02	P1712R1D2	Office Action	03-12-02
03-19-02	P1071P1	Certificate of Correction	
03-19-02	P1071P1D1	Notice of Restriction	03-13-02
03-19-02	P1071P1D5	Notice of Restriction	03-13-02
03-19-02	P1712R1D5	Office Action	03-15-02
03-19-02	P289D2C2	Examiners Communication	03-13-02
03-22-02	P2637-1	Missing Parts	03-15-02
03-22-02	P1869R1	Missing Parts	03-14-02
03-25-02	P0703P1D2C1	Office Action	03-18-02
03-25-02	P1071P1D11	Notice of Restriction	03-13-02
03-25-02	P1712R1D6	Office Action	03-19-02
03-25-02	P1712R1D1	Advisory Action	03-19-02
03-26-02	P1123R1D1	Advisory Action	03-19-02
03-27-02	P1626R1	Notice to Comply	03-20-02
03-27-02	P1732R1	Missing Parts	03-25-02
04-01-02	P1381R1C1P1	Notice of Restriction	03-25-02
04-01-02	P1068R1C1	Office Action	03-25-02
04-01-02	P0645P4D2C3	Notice of Restriction	03-26-02
04-01-02	P1019R1C1	Notice of Restriction	03-26-02
04-01-02	P1256R1	Examiners Communication	03-27-02
04-02-02	P1024D1	Office Action	03-26-02
04-02-02	P1245R1P2B	Notice of Restriction	03-26-02
04-02-02	P1381R1	Final Rejection	03-25-02

04-02-02	P1581R2	Examiner Communication	03-28-02
04-02-02	P1223R1	Examiners Answer	03-27-02
04-02-02	P1043R1C1	Office Action	03-26-02
04-02-02	P1775R1	Office Action	03-28-02
04-02-02	P1788R1	Examiners Communication	03-25-02
04-02-02	P0703P1C3D1	Office Action	03-26-02
04-03-02	P0760C1P1C4	Issue Notification	
04-03-02	P1712R1D7	Office Action	03-19-02
04-03-02	P1099R1C2	Notice of Incomplete Application	03-27-02
04-04-02	P0710P1D1	Notice of Restriction	03-26-02
04-05-02	P1000R1C1	Notice of Abandonment	03-26-02
04-05-02	P1176R1	Examiners Communication	03-26-02
04-05-02	P1071P2C3	Notice of Restriction	03-27-02
04-05-02	P0718P2C1	Notice of Abandonment	03-27-02
04-05-02	P1848R1	Notice to Comply	03-26-02
04-09-02	P1093R1D1	Office Action	04-02-02
04-09-02	P3235P1C1	Missing Parts	04-02-02
04-09-02	P2827R1	Notice Re: Power of Attorney	04-01-02
04-09-02	P1381R1C1P4	Notice to Comply	04-02-02
04-10-02	P1191-2	Notice of Revised Pub. Date	03-15-02
04-10-02	P1130P3	Final Rejection	04-04-02
04-10-02	P1846R1	Response 312 Communication	04-01-02
04-10-02	P1845R1	Notice of Pub. Application	03-21-02

04-10-02	P1762R1	Examiners Communication	04-05-02
04-10-02	P1154-2C1	Notice to file Corrected App. Papers	04-05-02
04-10-02	P0565P1D1C6	Notice to file Corrected App. Papers	04-05-02
04-10-02	P1176R2	Response 312 Communication	04-02-02
04-11-02	P0716D1C1	Notice of Allowance	04-04-02
04-12-02	P1446R1	Office Action	04-08-02
04-15-02	P0703C6	Office Action	04-08-02
04-16-02	P1033D3C1	Final Rejection	04-10-02
04-16-02	P1381R1C1P2	Notice of Restriction	04-09-02
04-16-02	P2925-1R1	Missing Parts	03-28-02
04-16-02	P1366R3	Notice of Restriction	04-08-02
04-17-02	P1192-2	Notice of New or Revised PPD	03-15-02
04-17-02	P0792C5	Notice of Publication of Application	03-21-02
04-17-02	P1872R1	Missing Parts	04-10-02
04-17-02	P1661R2	Office Action	04-09-02
04-17-02	P0633D2C2	Examiners Communication	04-10-02
04-17-02	P5002R1	Notice to Comply	04-10-02
04-18-02	P0718P2C2	Notice of Restriction	04-09-02
04-18-02	P0718P2C3	Notice of Restriction	04-09-02
04-18-02	P2830R1E	Notice of Abandonment	04-09-02
04-22-02	P0255-275P1C7	Notice to Comply	04-12-02
04-22-02	P0703P1D1C1	Notice of Publication of Application	03-14-02
04-22-02	P1065R1C2	Notice of Publication of Application	03-14-02